

## **M E M O R A N D U M**

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: August 17, 2004

SUBJECT: Harry Oestreich – Apparent Failure to File Personal Financial Affairs Statement, PDC Case 04-707

### **LAW**

**RCW 42.17.240 Elected and appointed officials, candidates, and appointees—Reports of financial affairs and gifts**, states in part: “(1) Every elected official and every executive state officer shall after January 1<sup>st</sup> and before April 15<sup>th</sup> of each year file with the commission a statement of financial affairs for the preceding calendar year...”

**RCW 42.17.241** details the content required in each report.

### **FACTS**

**Summary:** Harry Oestreich is a Fire Commissioner for King County Fire Protection District No. 45. His term of office ends in the year 2005. Mr. Oestreich held office during 2003 and was required to file a Statement of Financial Affairs (PDC form F-1) by April 15, 2004. On May 7, 2004, Mr. Oestreich was sent a letter informing him that the F-1 report due by April 15, 2004 had not been received. The letter stated that he needed to file before May 21, 2004 to avoid the possibility of enforcement. The F-1 report has not been filed.

**Past History:** As a candidate for Fire Commissioner in King County Fire Protection District No. 45 in 1999, Mr. Oestreich filed his F-1 report after stipulating to a violation and paying a \$50 penalty for failing to timely file his F-1 report.

In 2000, in Case No. 01-092, Mr. Oestreich was a Fire Commissioner in King County Fire Protection District No. 45 and was required to file an annual Statement of Financial Affairs by April 17, 2000. The F-1 was not filed. A brief enforcement hearing was held and Mr. Oestreich was found in violation of RCW 42.17.240 and was assessed a civil penalty of \$300.

In 2001, in Case No. 01-511, Mr. Oestreich was a Fire Commissioner in King County Fire Protection District No. 45 and was required to file an annual Statement of Financial Affairs by April 16, 2001. The F-1 was not filed. A brief enforcement hearing was held and Mr. Oestreich was found in violation of RCW 42.17.240 and was assessed a civil penalty of \$250. The penalties assessed in 2000 and 2001 have been paid.

In 2002, Mr. Oestreich was required to file an annual F-1 report by April 15, 2002. The F-1 was not filed. Enforcement action was inadvertently not conducted in 2002.

In 2003, in Case No. 03-390, Mr. Oestreich was a Fire Commissioner in King County Fire Protection District No. 45 and was required to file an annual Statement of Financial Affairs by April 15, 2003. The F-1 was not filed. A hearing before the full commission was held and Mr. Oestreich was found in violation of RCW 42.17.240 and was assessed a civil penalty of \$500. The case was sent to the Attorney General's Office for collection on February 13, 2004 and payment has not been received.

### **CONCLUSION AND RECOMMENDATION**

Harry Oestreich is a Commissioner in King County Fire Protection District No. 45. His term of office ends in 2005. He was elected as a Commissioner in 1999 and filed his initial F-1 report as a candidate. Since his initial statement, Mr. Oestreich has been found in violation for not filing a Statement of Financial Affairs in 2000, 2001 and 2003, and has an outstanding penalty of \$500.

In 2004, as a Fire Commissioner for King County Fire Protection District No. 45, Mr. Oestreich did not file the annual Statement of Financial Affairs by April 15, 2004.

On July 19, 2004, Vicki Rippie, Executive Director of the Public Disclosure Commission, filed a complaint, alleging that Mr. Oestreich had apparently failed to file the annual Statement of Financial Affairs due by April 15, 2004. Mr. Oestreich was sent a copy of the complaint and was asked to provide a written response, and to appear at the offices of the Public Disclosure Commission to be interviewed by PDC staff. Mr. Oestreich did not provide a written response to the complaint nor did he appear for the scheduled interview. The Public Disclosure Commission has not received any F-1 reports from Mr. Oestreich since his initial report filed as a candidate in 1999.

Based on the facts specified above, staff recommends that the Commission find an apparent violation of RCW 42.17.240 by Harry Oestreich by failing to timely file a Statement of Financial Affairs by April 15, 2004. Based on these findings, the Commission is urged to refer the matter to the Office of the Attorney General for appropriate action, including seeking a court order compelling Mr. Oestreich to file the disclosure reports required by RCW 42.17.240.